UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,510	06/30/2003	Jia-Shiung Kuo	LA-7196-106.US/10307718	4426

7590 11/15/2004	EXAMINER
FULBRIGHT & JAWORSKI L.L.P.	LAU, TUNG S

ART UNIT	PAPER NUMBER
2863	

FULBRIGHT & JAWORSKI L.L.P.
M. John Carson
Twenty-Ninth Floor
865 South Figueroa
Los Angeles, CA 90017-2571

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/611,510	KUO, JIA-SHIUNG
	Examiner	Art Unit	
	Tung S Lau	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 June 2003</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3,4 and 6</u> is/are rejected.

7)☒ Claim(s) <u>2,5,7 and 8</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by

Smith et al. (U.S. Patent Application Publication 2004/0059903).

Regarding claim 1:

Smith discloses a computer component operating temperature inspecting method

for use on a computer component that is equipped with a built-in temperature

detecting function and is based on a standardized bus architecture, for the

purpose of inspecting the current operating temperature of the computer

component via the bus architecture, and which is capable of, in the event of the

computer component being subjected to a deadlock condition, restoring the

computer component back to normal operation to allow the computer

component's current operating temperature to be able to be inspected (page 1,

section 000300008); the computer component operating temperature inspecting

method comprising. issuing a temperature request signal via the bus architecture

to the computer component to request the computer component to send back an

operating temperature message that indicates the current operating temperature of the computer component (page 1, section 0007-0008); counting for a prespecified length of duration promptly after the issuing of the temperature request signal (page 4, section 0052-0053, page 4, section 0058); at the elapse of the prespecified length of duration, checking whether an operating temperature message has been received via the bus architecture from the computer component (page 4, section 0053) ; if NO, issuing a reset signal and send the reset signal via a dedicated signal line to the computer component for the purpose of resetting the computer component to reestablish link with the bus architecture (page 4, section 0051-52); and inspecting whether the linking between the bus architecture and the computer component is acknowledged; if YES, reissuing a temperature request signal via the bus architecture to the computer component to request the computer component to send back an operating temperature message that indicates the current operating temperature of the computer component (page 4, section 0051-0052).

Regarding claim 3, Smith further discloses alarm for unable established signal after resetting (page 7, claim 8, page 4, section 0051).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill

in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claims 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U.S. Patent Application Publication 2004/0059903) in view of Johnson et al. (U.S. Patent Application Publication 2004/0153786).

Regarding claim 4:

Smith discloses a computer component operating temperature inspecting system for use with a computer component that is equipped with a built-in temperature detecting function and is based on a standardized bus architecture, for the purpose of inspecting the current operating temperature of the computer component via the bus architecture, and which is capable of, in the event of the computer component being subjected to a deadlock condition, restoring the computer component back to normal operation to allow the computer component's current operating temperature to be able to be inspected (page 1, section 000300008); the computer component operating temperature inspecting system comprising: a data communication interface, which is compliant with and connected to the standardized bus architecture so as to exchange messages with the computer component via the bus architecture; a temperature request issuing module (fig. 5, unit 107, 112, 116), which is capable of issuing a temperature request signal via the data communication interface and the bus architecture to the computer component to request the computer component to send back an operating temperature message that indicates the current operating temperature of the computer component (page 1, section 0004-0008);

a timing module, which is capable of being activated to register time for a

prespecified length of duration promptly after the issuing of the temperature

request signal by the temperature request issuing module (page 4, section 0053-

0058) ; a response checking module, which is capable of being activated at the

elapse of the prespecified length of duration to check whether an operating

temperature message has been received by the data communication interface

via the bus architecture from the computer component (page 3, section 0045),

and if NO, capable of generating a deadlock message (page 7, claim 8);

a reset-signal issuing module, which is capable of being activated in response to

the deadlock message from the response checking module to issue a reset

signal and send the reset signal via a dedicated signal line to the computer

component for the purpose of resetting the computer component to reestablish

link with the bus architecture; and an acknowledgement inspecting module (page

4, section 0051), which is capable of being activated promptly after the issuing of

the reset signal to inspect whether the linking between the data communication

interface and the computer component via the bus architecture is acknowledged

(page 7, claim 8), and if YES, request the computer component to send back an

operating temperature message that indicates the current operating temperature

of the computer component (page 2, section 0025-0026).

Smith does not disclose reissue temperature signal, Johnson discloses reissue

temperature signal (page 12, section 0129), in order to increase the reliability of

the system (page 2, section 0016).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Smith to have the reissue temperature signal

taught by Johnson in order in order to increase the reliability of the system.

Regarding claim 6, Smith further discloses alarm for unable established signal

after resetting (page 7, claim 8, page 4, section 0051).

Claim Objections

3.   The claims 2, 5, 7-8 contain the communication standard SMBus/I2C bus. The

claim scope is uncertain since the communication standard SMBus/I2C bus

cannot be used properly to identify any particular material or product. A

communication standard SMBus/I2C bus is used to identify a source of goods,

and not the goods themselves. Thus, a communication standard SMBus/I2C bus

name does not identify or describe the goods associated with the standard name.

In the present case, the standard name is used to identify/describe

communication bus architecture and, accordingly, the identification/description is

indefinite.

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tung S Lau whose telephone number is 571-272-

2274. The examiner can normally be reached on M-F 9-5:30. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor,

John Barlow can be reached on 571-272-2269. The fax phone numbers for the

organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

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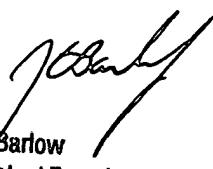
John Barlow
Supervisory Patent Examiner
Technology Center 2800